



## **Environmental Planning Commission**

**Agenda Number: 13  
Project Number: 1004831  
Case #: 06EPC 00959  
September 21, 2006**

### **Staff Report**

|                          |  |
|--------------------------|--|
| <b>Agent</b>             | The City of Albuquerque Planning Department  |
| <b>Applicant</b>         | Glen Haikin, City Surveyor                   |
| <b>Request</b>           | <b>Text Amendment, Subdivision Ordinance</b> |
| <b>Legal Description</b> | §14.14, ROA 1994                             |
| <b>Location</b>          | City-wide                                    |
| <b>Existing Zoning</b>   | N/A  |
| <b>Proposed Zoning</b>   | N/A  |

#### **Staff Recommendation**

***That a recommendation of APPROVAL of 06EPC 00959 be forwarded to the City Council, based on the findings on page 6.***

**Staff Planner  
Carmen Marrone**

#### **Summary of Analysis**

This is a request to amend Sections 14-14-1-6 and 14-14-4-12 of the City's *Subdivision Ordinance* to update the datums used for surveying measurements and to redefine terms for consistency with current practice. Current surveying practices do not reflect changes in measurement technology that have occurred since 1927. The proposed text amendments to the *Subdivision Ordinance* will replace an old, outdated survey system with a more current and accurate system. In addition, the proposed language will provide consistency of data among City agencies and other governmental agencies that the City interfaces with. The proposed language is not in conflict with the *Albuquerque City Charter*, applicable *City/County Comprehensive Plan* goals and policies or the intent of the *Subdivision Ordinance*.

Surveyors, engineers and developers active in the development process provided input on the proposed amendments.

There is no opposition to the request

***Background, History and Context***

The City of Albuquerque is seeking to amend Chapter 14, Article 14 of the Revised Ordinances of Albuquerque (ROA), 1994ed., also known as the *Subdivision Ordinance*, to include new definitions and methodology relative to subdivision monument requirements and survey measurements. These amendments will affect both §14.14.1.6 and §14.14.4.12 of the Ordinance. The current standards rely upon USGS surface-based data that was produced in 1929; the amendments will allow for more precise measurements based upon topographical and geo-positional information derived by satellites.

The following language is proposed for inclusion into the following sections of the *Subdivision Ordinance*:

**§14-14-1-6 DEFINITIONS.**

[+**ALBUQUERQUE GEODETIC REFERENCE SYSTEM or AGRS.** A coordinate system of survey marks with determined horizontal and vertical values expressed relative to a specific geodetic datum. The AGRS provides a common framework for positioning horizontally (North American Datum, 1983) and vertically (North American Vertical Datum, 1988), and supports applications of surveying, engineering, geographic information systems (GIS) and other activities. The AGRS is administered under the direction of the City Surveyor.+]

**MONUMENT.** One or more of the following:

(1) **BENCH MARK.** [~~- A cap -~~] [+ An aluminum cap or other approved monument, +] [~~- ,set as provided in the *Development Process Manual*, -~~] with the elevation [~~- mean sea level datum, 1929 -~~] [+ referenced to the North American Vertical Datum, 1988 and maintained in the AGRS. +] [~~- and the land surveyor's registration number -~~] [+ The point identification and the year set must be referenced or +] inscribed thereon.

(2) **PERMANENT SURVEY MONUMENT.** [~~- A cap -~~] [+ An aluminum cap or other approved monument +] [~~- set in accordance with the *Development Process Manual* -~~], referenced to the New Mexico Coordinate System [+ of 1983 (North American Datum, 1983) and maintained in the AGRS, +] having the [~~- land surveyor's registration number -~~] [+ point identification and the year set +] inscribed thereon. [~~- or a standard Bureau of Land Management monument marking sectionalized corners -~~] [+ A permanent survey monument with elevation referenced to the North American Vertical Datum, 1988 will also serve as a benchmark. +]

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(3) **SUBDIVISION CONTROL MONUMENT** [+ **INTERIOR.** +] [- ~~A metal stake or pipe or other approved monument which meets the requirements specified in the Development Process manual, which identifies position within a subdivided area and which is referenced to a permanent survey monument.~~ -] [+ An aluminum cap or other approved monument [- ~~of permanent or semi-permanent character,~~ -] [+ set on the centerline of +] [- ~~constructed streets~~ -] [+ the street right of way as provided in the Development Process Manual , which serves as control for and an accessory to lot corners. The license number of the professional surveyor, the year set and any offset must be inscribed thereon, as appropriate. +]

[+ (4) **SUBDIVISION CONTROL MONUMENT, EXTERIOR.** A monument, as defined by the New Mexico minimum standards for surveying, that marks all perimeter corners of a subdivision, including angle points, points of curvature and points of tangency. +]

**PLAT.** A graphic and [- ~~verbal~~ -] [+ written +] description of a lot or lots with survey reference ties to permanent survey monuments.

#### **§ 14-14-4-12 MONUMENTATION.**

(A) All monumentation shall conform to the requirements in the *Development Process Manual*.

(B) *Subdivision Control Monuments.*

(1) Exterior Monumentation. All angle points, points of curvature, and points of tangent along the subdivision perimeter shall be monumented as exterior subdivision control monuments before the City Surveyor signs the final plat.

(2) Interior Monumentation.

(a) Interim. Interim monuments may be required as specified in the *Development Process Manual*.

(b) Permanent. Before city acceptance of subdivision street improvements, permanent interior subdivision control monuments shall be installed.

(C) *Permanent Survey Monuments.* All [- ~~subdivisions~~ -] [+ subdivision perimeters +] shall be [- ~~typed to~~ -] [+ referenced by bearing and distance to +] [- ~~two permanent~~ -] [+ a minimum of one

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permanent +] survey [- ~~monuments~~ -] [+ monument +] [- ~~at locations~~ -] approved by the City Surveyor. Two permanent survey monuments shall be [- ~~established and/or~~ -] referenced for each [+ major +] subdivision by bearings [- (~~or angles~~) -] and distances to at least two points on the subdivision perimeter. [+ The permanent survey monument shall be identified on the plat by reference to AGRS published data, including name, northing, easting, ground to grid factor, convergence angle, New Mexico Coordinate System zone and reference datum. +]

[+ **(D) Bench Marks.** All major subdivisions shall be referenced to at least one benchmark. The benchmark(s) shall be identified on the plat by reference to AGRS published data, including name, description, elevation and reference datum. +]

## ***ANALYSIS, APPLICABLE ORDINANCES, PLANS AND POLICIES***

### **Albuquerque City Charter**

The original Albuquerque City Charter was adopted pursuant to State law in 1917, thereby changing the system of government from a Mayor-Council (ward) system to a Commission-Manager system. The Charter was amended four times (July 22, 1919, October 7, 1919, February 15, 1966, and June 29, 1971). The City Charter, as adopted in 1971, enables the following:

Article I, Incorporation and Powers – “The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self government. A liberal construction shall be given to the powers granted by this Charter.”

Article IV, Section 8, Council Powers – “The Council shall have the power to adopt all ordinances, resolutions or other legislation conducive to the welfare of the people of the city...”

***The proposed legislation is an appropriate exercise in local self-government as authorized under Articles I and IV.***

### **Subdivision Ordinance**

According to § 14-14-1-3 of the *Subdivision Ordinance*, “The public health, safety, comfort, convenience, and general welfare of the people of the city require the harmonious, orderly, and coordinated development of land within the city and its planning and platting jurisdiction. In furtherance of this purpose, this article provides for control by the city of the subdivision of land. The intent of such control is to secure:

- (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo County Comprehensive Plan, and such further plans, policies, and ordinances as may have been or may hereafter be adopted by the City Council;
- (B) Adequate provision for light and air, solar access, public open spaces, water supply, drainage, flood control, sanitation including sewer service, and other public facilities;
- (C) Economy for governmental purposes and efficiency in governmental operations;
- (D) Minimization of traffic hazards and provision of safe, convenient circulation of people, goods, and vehicles;
- (E) Accurate and complete surveying, and preparation and recording of plats thereof; and;
- (F) Safety and suitability of land for the development contemplated.”

***The proposed text amendments will provide coordinated development of land within the city and its planning and platting jurisdiction. The amendments will further Goal (C) to provide efficiency in governmental operations and Goal (E) to provide accurate and complete surveying and preparation of plats.***

### **Albuquerque / Bernalillo County Comprehensive Plan**

Although there is little guidance within the *City/County Comprehensive Plan* with respect to this request to amend technical aspects of the *Subdivision Ordinance*, the following policies are somewhat relevant:

#### **Land Use**

Policy II.B.5.g – Development shall be carefully designed to conform to topographical features...

#### **Community Resource Management**

Policy II.D.6.f: The City and the County should remove obstacles to sound growth management...throughout the community.

### **Public Safety**

Policy II.D.9.c: Effective and efficient use of technological...resources shall be maximized.

*The current standards rely upon USGS surface-based geographical data that was produced in 1929; the proposed amendments will allow for more current and precise measurements based upon topographical and geo-positional information derived by satellites. Replacement of the old, outdated surveying practices with more current practices will provide more accurate topographic measurements which will help remove obstacles to sound growth management.*

### **CONCERNS OF REVIEWING AGENCIES**

No comments from outside agencies regarding this request were received.

### **NEIGHBORHOOD/PUBLIC CONCERNS**

The proposed text amendments were announced in the July/August 2006 issue of the *Neighborhood News*, and the Office of Neighborhood Coordination electronically broadcasted a notice to all recognized neighborhood representatives. The public was encouraged to forward any written comments regarding the proposed legislation to the Planning Department. At the time of this writing, no comments have been received by neighborhood associations.

The text amendments were sent to surveyors, engineers and developers active in the development process. The language was also presented to the Middle Rio Grande Chapter of New Mexico Professional Surveyors at the August 2006 chapter meeting. The proposed text amendments are based on input from all of these groups.

### **CONCLUSIONS**

The proposed text amendments to the *Subdivision Ordinance* will replace an old, outdated survey system with a more current and accurate system. In addition, the proposed language will provide consistency of data among City agencies and other governmental agencies that the City interfaces with. The proposed language is not in conflict with the *Albuquerque City Charter*, applicable *City/County Comprehensive Plan* goals and policies or the intent of the *Subdivision Ordinance*. Staff recommends approval of this request.

***FINDINGS – 06EPC 00959, September 21, 2006***

1. This is a request for approval of proposed text amendments to §14.14.1.6 and §14.14.4.12 of the *Subdivision Ordinance* to include new definitions and methodology relative to subdivision monument requirements and survey measurements.
2. Current surveying and monument standards rely upon USGS surface-based data that was produced in 1929; the proposed amendments will allow for more precise measurements based upon topographical and geo-positional information derived by satellites.
3. The proposed legislation is an appropriate exercise in local self-government that is authorized under *Articles I (Incorporation and Powers)* and *IV-8 (Council Powers)* of the *Albuquerque City Charter*.
4. The proposed text amendment satisfies *Policies II.B.5.g, II.D.6.f and II.D.9.c* of the *City/County Comprehensive Plan* because they encourage the use of new technologies to obtain more precise measurements that will help remove obstacles to sound growth management.
5. The proposed text amendments further the intent of the *Subdivision Ordinance* to provide coordinated development of land within the city and its planning and platting jurisdiction. More specifically, the amendments further Goal C to provide efficiency in governmental operations and Goal E to provide accurate and complete surveying and preparation of plats.
6. The proposed text amendments are based on input from surveyors, engineers and developers active in the development process.
7. There is no known neighborhood or other opposition to the proposed text amendments.

***RECOMMENDATION - 06EPC 00959, September 21, 2006***

**That a recommendation of APPROVAL of 06EPC.00959, text amendments to §14.14.1.6 and §14.14.4.12 of the *Subdivision Ordinance*, be forwarded to the City Council, based on the preceding Findings.**

***Carmen Marrone  
Senior Planner***

cc: Glen Haiken, City Surveyor, 400 Marquette NW, Room B-2041, Albuquerque, NM 87102

attachments

## **AGENCY COMMENTS**

*The following agencies did not offer any comments to the proposed development request(s):*

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|--|--|
| Planning, Zoning Code Services                     | City of ABQ, Fire Department               |
| Planning, Transportation Development               | City of ABQ, Parks and Recreation          |
| Planning, Hydrology                                | City of ABQ, Police Department             |
| Municipal Development, Transportation Planning     | City of ABQ, Solid Waste Management        |
| Municipal Development, Street Maintenance          | City of ABQ, Transit Department            |
| Municipal Development, Traffic Engineering         | Bernalillo County                          |
| Water Authority, Utility Development               | ABQ Metro Arroyo Flood Control Authority   |
| Water Authority (Resources, Wastewater, Utilities) | Albuquerque Public Schools                 |
| NM Dept of Transportation (NMDOT)                  | Mid-Region Council of Governments (MRCOG)  |
| City of ABQ, Environmental Health                  | Middle Rio Grande Conservancy Dist (MRGCD) |
|  | Public Service Company of NM (PNM)         |

*The following agency comments to the proposed development request were offered:*

### **PLANNING DEPARTMENT**

#### **Office of Neighborhood Coordination**

City-wide – to be listed in the July/August 2006 issue of the Neighborhood News and an e-mail will be sent to neighborhood representatives who have e-mail addresses - siw

### **ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

AMAFCA supports this text amendment to the Subdivision Ordinance.

### **ALBUQUERQUE PUBLIC SCHOOLS**

The proposed changes concerning the vertical datum used for surveying measurements in the Subdivision Regulations will have no adverse impacts to the APS district.

### **PUBLIC SERVICE COMPANY OF NEW MEXICO**

No comment based on the information provided to date.